

Exhibit A



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Minutes ▾

[PURCHASE PDF](#)**EQUITY CAPITAL MARKET LLC VS
MT. HAWLEY INSURANCE COMPANY****Date Filed:** 03/14/2024**Kind:** Civil**Division:** 22**Date Last Active:** 03/25/2024**Cause:** DM-Damages**Suit Status:** Active**Judge:** HIGGINBOTHAM, BEAU**CHRONOLOGICAL HISTORY (5)**

PARTIES (2)

ATTORNEYS (1)

MINUTES (0)

COURT EVENTS (0)

Date	Type <div>All ▾</div>	Description	Filed By
03/25/2024		SERVICE RETURN FEE - MT. HAWLEY INSURANCE COMPANY	MONSOUR, RYAN P.
03/22/2024	Service Return	Intended For: MT. HAWLEY INSURANCE COMPANY Item Served: CIT-CIV 2000 Served How: Secretary of State	
03/18/2024	Document	CIT-CIV 2000 - MT. HAWLEY INSURANCE COMPANY	
03/14/2024		CIVIL CASE REPORTING FORM	MONSOUR, RYAN P.
03/14/2024		PET- DAMAGES -CIV	MONSOUR, RYAN P.



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Type	Name	Primary Attorney	Billing Method
Plaintiff	EQUITY CAPITAL MARKET LLC	MONSOUR, RYAN P.	Paying
Defendant	MT. HAWLEY INSURANCE COMPANY		Paying



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Attorney Name	Party Name	Begin Date	End Date	
MONSOUR, RYAN P.	EQUITY CAPITAL MARKET LLC	3/14/2024		View Details



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Date ▾	Sent To	Document
03/18/2024	MT. HAWLEY INSURANCE COMPANY	CIT-CIV 2000

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C-745420

EQUITY CAPITAL MARKET LLC VS
MT. HAWLEY INSURANCE COMPANY

Minutes ▾

PURCHASE PDF

Date Filed: 03/14/2024

Date Last Active: 03/25/2024

Judge: HIGGINBOTHAM, BEAU

Kind: Civil

Cause: DM-Damages

Division: 22

Suit Status: Active

CHRONOLOGICAL HISTORY (5)			PARTIES (2)		ATTORNEYS (1)		MINUTES (0)		COURT EVENTS (0)		DOCUMENT HISTORY (0)	
Date ▼	Item Served	Served How	Intended For					Memo				
03/22/2024	CIT-CIV 2000	Secretary of State	MT. HAWLEY INSURANCE COMPANY					MT. HAWLEY INSURANCE COMPANY				

Exhibit A-1

EAST BATON ROUGE PARISH
Filed Mar 14, 2024 12:25 PM
Deputy Clerk of Court
E-File Received Mar 13, 2024 3:29 PM
C-745420
22

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO.

DIVISION: “ ”

EQUITY CAPITAL MARKET LLC

VERSUS

MT. HAWLEY INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

PETITION FOR DAMAGES

The petition of Equity Capital Market, LLC, a Louisiana limited liability company, domiciled in the Parish of East Baton Rouge (hereinafter “Equity Capital” or “Petitioner”), respectfully represents:

1.

The following is made a defendant herein:

Mt. Hawley Insurance Company (“Hawley”) is an insurance company authorized to do and is doing business in East Baton Rouge Parish, State of Louisiana.

2.

Venue is proper in East Baton Rouge Parish pursuant to the Louisiana Code of Civil Procedure because a substantial part of the events and/or omissions giving rise to Petitioner’s claim occurred within this Parish, and/or a substantial part of property that is the subject of the action is situated within this Parish and State.

3.

This Court has personal jurisdiction over the parties and subject matter jurisdiction to hear the action presented in this suit.

4.

At all relevant times, Equity Capital insured property located at 4540 Crown Avenue, Louisiana 70812 (hereinafter referred to as the “Property”), which forms the subject of this lawsuit.

5.



Certified True and
Correct Copy
CertID: 2024031800779

Robert A. Carter

East Baton Rouge Parish
Deputy Clerk Of Court

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

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Equity Capital entered into a policy or contract of insurance with the defendant, Hawley, (hereinafter sometimes referred to as "Defendant") with the reasonable expectation that Defendant would abide by the terms of the policy and pay for any covered losses.

6.

Defendant issued an insurance policy to Petitioner covering its Property and bearing policy number GPK0023507. Said policy or contract of insurance provided Petitioner with coverage for damages, such as those incurred on September 10, 2022. This policy or contract of insurance was in full force and effect on September 10, 2022, the date of loss of which is complained herein.

7.

On or about September 10, 2022, a destructive fire ignited, causing catastrophic damage to Petitioner's Property.

8.

Petitioner timely reported the damage by filing a claim, seeking payments to have its Property repaired.

9.

On September 13, 2022, Defendant sent its chosen adjuster, Engle Martin, to physically inspect Petitioner's Property.

10.

On October 12, 2022, Defendant issued payment in the amount of \$338,672.43, finding that the repair estimate total was \$428,905.09.

11.

Shocked by the inadequate payment amount given the extensive damage incurred to the Property, Equity Capital provided Defendant an estimate in the amount of \$1,006,000.00 on December 15, 2022.

12.

In response, Defendant stated it would not accept Equity Capital's estimate because it was not provided in a format it found acceptable.

13.

On January 4, 2023, Defendant again submitted another estimate, this time in a manner that was deemed in a correct format in the revised amount of \$1,315,134.72.



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East Baton Rouge Parish
Deputy Clerk Of Court

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14.

On January 28, 2023, Defendant re-inspected the Property.

15.

Thereafter, on March 8, 2023, Defendant finally issued the remaining policy limits (yet still withheld recoverable depreciation), despite having the necessary documentation to support such calculations for well over thirty (30) days.

16.

Due to Defendant's failure to properly adjust and pay the claim in the rightful amount, Petitioner was forced to retain counsel and its own experts to dispute the claim.

19.

Made obvious by the estimates provided by Market Capital, Defendant did not adequately adjust, investigate, and timely pay Petitioner's insurance claim by severely undervaluing the damage sustained due to a covered event.

20.

Defendant engaged in conduct in the adjustment of Petitioner's claim that was arbitrary, capricious, and/or without probable cause, including but not limited to purposefully or negligently refusing to properly adjust the claim in good faith and failing to pay timely for damages Defendant knew, or should have known existed at the time of the adjustment of the claim.

21.

The omissions, actions, and/or inactions of Defendant in failing to adequately compensate Petitioner for the covered losses sustained to the property covered under the relevant policy of insurance were arbitrary, capricious, and without probable cause as those terms are used in connection with La. R.S. §22:1892 and §22:1973, making Defendant liable to Petitioner for statutory bad faith penalties.

22.

As a result of Defendant's bad faith claims adjusting practices, Petitioner avers that it suffered and are entitled to recover the following nonexclusive list of damages past, present, and future, to-wit:

- a. Penalties as provided in La. R.S. §§ 22:1892 and 22:1973;
- b. Attorney's fees and costs;



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Rachael Carter

East Baton Rouge Parish
Deputy Clerk Of Court

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- c. General Damages; and
- d. Any and all other relief that the Court deems just and proper.

23.

Petitioner avers that the amount in controversy is in excess of the amount required for a trial by jury, and Petitioner so desires a jury trial on all issues so triable by jury.

WHEREFORE, Petitioner, Equity Capital Market, LLC, prays that Defendant, Mt. Hawley Insurance Company, be served with a copy of this Petition and cited to appear and answer same; that it be granted a jury trial, that after all due proceedings had, there be judgment in its favor and against the Defendant, Mt. Hawley Insurance Company, for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid, all statutory penalties and attorney's fees, for all costs of these proceedings, and all general and equitable relief available.

Respectfully Submitted,

AMO TRIAL LAWYERS, L.L.C.,



DAVID W. ARDOIN, (L.B.N. 24282)
PRESTON L. HAYES (L.B.N. 29898)
RYAN P. MONSOUR (L.B.N. 33286)
HUNTER D. AUSTIN, (L.B.N. 40261)
3850 N. Causeway Blvd., Suite 590
Metairie, Louisiana 70002
Telephone: (504) 356-0110
Facsimile: (504) 356-0112
rpm@amotriallawyers.com

and

KENDALL PLAIN (LA #36258)
Plain and Associates Law Firm
2950 Mission Drive
Baton Rouge, LA 70805

PLEASE SERVE:

MT. HAWLEY INSURANCE COMPANY
Through its registered agent for service of process:
Louisiana Secretary of State
8585 Archives Ave.
Baton Rouge, LA 70809



Certified True and
Correct Copy
CertID: 2024031800779

Roseeche Carter

East Baton Rouge Parish
Deputy Clerk Of Court

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Exhibit A-2

LOUISIANA CIVIL CASE REPORTING
Civil Case Cover Sheet - LA. R.S. 13:4688 and
Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

Equity Captial Market LLC

vs. MT. Hawley Insurance Company

Court: 19th JDC

Docket Number:

Parish of Filing: East Baton Rouge

Filing Date:

Name of Lead Petitioner's Attorney: Ryan P. Monsour

Name of Self-Represented Litigant:

Number of named petitioners: 1

Number of named defendants: 1

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

- ☐ Auto: Personal Injury
- ☐ Auto: Wrongful Death
- ☐ Asbestos: Property Damage
- ☐ Product Liability
- ☐ Intentional Bodily Injury
- ☐ Intentional Wrongful Death
- ☐ Business Tort
- ☐ Defamation
- ☐ Environmental Tort
- ☐ Intellectual Property
- ☐ Legal Malpractice
- ☐ Other Professional Malpractice
- ☐ Maritime
- ☐ Wrongful Death
- ☐ General Negligence

- ☐ Auto: Property Damage
- ☐ Auto: Uninsured Motorist
- ☐ Asbestos: Personal Injury/Death
- ☐ Premise Liability
- ☐ Intentional Property Damage
- ☐ Unfair Business Practice
- ☐ Fraud
- ☐ Professional Negligence
- ☐ Medical Malpractice
- ☐ Toxic Tort
- ☒ Other Tort (describe below)
- ☐ Redhibition
- ☐ Class action (nature of case)

Destructive fire

Please briefly describe the nature of the litigation in one sentence of additional detail:

Defendant failed to properly adjust and pay plaintiff's claim following the destructive fire which caused catastrophic damage to the property.

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name Ryan P. Monsour

Signature

Address 3850 N. Causeway Boulevard, Suite 590, Metairie, Louisiana 70002

Phone number: 504-356-0110

E-mail address: jfg@amotriallawyers.com

Exhibit A-3

SERVICE COPY



D13773205

CITATION

EQUITY CAPITAL MARKET LLC
(Plaintiff)

NUMBER C-745420 "22"

VS

19TH JUDICIAL DISTRICT COURT

MT. HAWLEY INSURANCE COMPANY
(Defendant)

PARISH OF EAST BATON ROUGE
SERVED ON
NANCY LANDRY
STATE OF LOUISIANA

TO: MT. HAWLEY INSURANCE COMPANY
THROUGH AGENT:
LOUISIANA SECRETARY OF STATE

MAR 22 2024

SECRETARY OF STATE
COMMERCIAL DIVISION

GREETINGS:

Attached to this citation is a certified copy of a petition or other legal pleading that has been filed with the Clerk of Court for East Baton Rouge Parish ("Clerk of Court") and in which service upon you was requested by the filing party. Please read the petition for information concerning any claims that may have been asserted against you.

Pursuant to Louisiana Code of Civil Procedure Article 1001, you are required to file an answer to the petition or other legal pleading in the Clerk of Court's Civil Department located at 300 North Boulevard, Suite 3301, Baton Rouge, Louisiana, and you must do so within EITHER:

1. **21 DAYS** of the date you were served with the petition; **OR**
2. **30 DAYS** of the date you were served with both the petition and a discovery request. (*Note: If no discovery request was included with your petition, you must instead adhere to the 21-day deadline above.)

If you fail to file an answer or other legal pleading, a default judgment may be rendered against you. Any questions you may have seeking legal advice should be directed to an attorney at law, not the Clerk of Court. This citation was issued by the Clerk of Court for East Baton Rouge Parish on **MARCH 18, 2024**.



Rosheeda Carter
Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: MONSOUR, RYAN P.

*The following documents are attached:

PETITION FOR DAMAGES

SERVICE INFORMATION:

Received on the ____ day of _____, 20____ and on the ____ day of _____, 20____, served on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in the said domicile at _____.

SECRETARY OF STATE: By tendering same to the within named, by handing same to _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this ____ day of _____, 20____.

SERVICE: \$ _____
MILEAGES: \$ _____
TOTAL: \$ _____

Deputy Sheriff
Parish of East Baton Rouge

RECEIVED

MAR 21 2024

CITATION-2000

EBR SHERIFF'S OFFICE

Exhibit A-4

RETURN COPY



D13773205

CITATION

EQUITY CAPITAL MARKET LLC
(Plaintiff)

VS

MT. HAWLEY INSURANCE COMPANY
(Defendant)

NUMBER C-745420 "22"

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

TO: MT. HAWLEY INSURANCE COMPANY
THROUGH AGENT:
LOUISIANA SECRETARY OF STATE

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Rosheeda Carter
Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: MONSOUR, RYAN P.
*The following documents are attached:

PETITION FOR DAMAGES

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:
PERSONAL SERVICE: On the party herein named at _____
DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in the said domicile at _____
SECRETARY OF STATE: By tendering same to the within named, by handing same to _____ I made service on the named party through the _____
DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ Office of the Secretary of State on _____ legally authorized to represent him. or his domicile, or anyone
RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____
SERVICE: \$ _____
MILEAGES \$ _____
TOTAL: \$ _____

Deputy Sheriff
Parish of East Baton Rouge

CITATION-2000

MAR 22 2024
by tendering a copy of this document to:
JULIE NESBITT
DY. B. GARAFOLA #0577
Deputy Sheriff, Parish of East Baton Rouge, LA

RECEIVED
MAR 21 2024
EB R SHERIFF'S OFFICE

RECEIVED
MAR 21 2024
EB R SHERIFF'S OFFICE